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BEFORE THE

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Federal Communications Commission

In the Matter of)

Reexamination of the Policy)
Statement on Comparative)
Broadcast Hearings)

GC Docket No. 92-52

RM-7739

RM-7740

RM-7741

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

COMMENTS OF FREDERICKSBURG CHANNEL 2

Fredericksburg Channel 2 ("FC2"), by counsel, submits these comments in response to the Commission's Second Further Notice of Proposed Rulemaking, FCC 94-167 (released June 22, 1994) ("Second Further Notice").

I. Summary and Statement of Interest

FC2 is an applicant in a six-party comparative proceeding for a new VHF television station to serve Fredericksburg, Texas (MM Docket No. 87-250). FC2's application for the Fredericksburg station was filed in February of 1987. The Initial Decision in the case was issued in 1989.^{1/} Exceptions before the Review Board resulted, in 1990, in a remand for a supplemental hearing on basic

^{1/} Global Information Technologies, Inc., 4 F.C.C. Rcd. 5445 (ALJ 1989).

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qualifications issues.^{2/} The supplemental hearing resulted in a 1991 decision disqualifying one of the other applicants in the case.^{3/} In 1993, the Review Board issued its final decision on the merits. The Board found FC2 the comparatively superior applicant and awarded FC2 the construction permit.^{4/} The five other applicants then filed applications for review with the Commission, which FC2 timely opposed on October 25, 1993. The application for review pleading cycle was fully concluded roughly two months before the D.C. Circuit's December 1993 Bechtel decision.^{5/}

After seven years of litigation (and the expenditure of well over a quarter of a million dollars in litigation costs), FC2 prevailed in the Fredericksburg case because it was the best qualified applicant under the integration and other comparative standards the Commission has consistently employed for nearly thirty years. During the seven-year history of the case, no applicant ever challenged in any way the validity of the integration criterion, either before the ALJ, or in exceptions submitted to the Review Board, or in applications for review filed with the Commission.

^{2/} Global Information Technologies, Inc., 5 F.C.C. Rcd. 3385 (Rev. Bd. 1990).

^{3/} Global Information Technologies, Inc., 6 F.C.C. Rcd. 6912 (ALJ 1991).

^{4/} Global Information Technologies, Inc., 8 F.C.C. Rcd. 4024, recon. denied, 8 F.C.C. Rcd. 6629 (Rev. Bd. 1993).

^{5/} Bechtel v. FCC, 10 F.3d 875 (D.C. Cir. 1993).

Under such circumstances, the Bechtel Court's ruling cannot alter the decisional standards to be employed in the Fredericksburg case. That case -- and any others in the same posture -- must be decided based on the pre-Bechtel integration and other comparative standards. To do otherwise would unreasonably (and unconscionably) destroy legitimate reliance interests for no sufficient countervailing legal reason.

II. The Commission Must Apply Pre-Bechtel Standards in Cases where No Pre-Bechtel Challenge to the Integration Criterion Was Made.

In Bechtel, the Court specifically declined to decide whether any change in the Commission's comparative standards resulting from the Court's decision should apply to applicants who had never before challenged the integration criterion. See 10 F.3d at 887. The Court left this issue to the FCC "in the first instance," id., because the issue of retroactive application of new standards was not the focus of the Bechtel appeal. The FCC must now resolve this issue by ruling that post-Bechtel standards may not legally be applied to pending cases where no pre-Bechtel challenge to the integration criterion was made.

A change in an agency rule or policy (whether compelled by a court or not) may be retroactively applied to decide pending cases that have been prosecuted based on the prior agency rule only if the legitimate reliance interests involved would not be unreasonably infringed by such retroactive application. See, e.g.,

Bowen v. Georgetown University Hospital, 488 U.S. 204, 208-09 (1988); id. at 220 (Scalia, J. concurring); Heckler v. Community Health Services of Crawford County, Inc., 467 U.S. 51, 60 n.12 (1984); see also Kaiser Aluminum & Chemical Corp. v. Bonjorno, 494 U.S. 827, 836-38 (1990); Bradley v. School Board of City of Richmond, 416 U.S. 696, 711 (1974).

As formulated by the D.C. Circuit, retroactive application of a new rule to pending agency adjudications must be supported by a broad balancing of at least the following factors:

(1) whether the particular case is one of first impression, (2) whether the new rule represents an abrupt departure from well established practice or merely attempts to fill a void in an unsettled area of law, (3) the extent to which the party against whom the new rule is applied relied on the former rule, (4) the degree of the burden which a retroactive order imposes on a party, and (5) the statutory interest in applying a new rule despite the reliance of a party on the old standard.

Retail, Wholesale & Dep't Store Union v. NLRB, 466 F.2d 380, 390 (D.C. Cir. 1972); accord, e.g., Clark-Cowlitz Joint Operating Agency v. FERC, 826 F.2d 1074, 1081 (D.C. Cir. 1987) (en banc).

Bringing these factors to bear on pending FCC proceedings, such as the Fredericksburg case, in which exceptions (and even applications for review) have already been filed; in which no objection to the validity of the integration criterion has ever been raised; and in which the parties have expended seven years of time and effort and hundreds of thousands of dollars in litigation costs to prosecute their applications under the Commission's well

settled prior comparative standards, there can be no doubt what result is indicated. Any new comparative standards resulting from the Bechtel decision may not be applied retroactively in such long-pending cases.

New comparative standards are obviously "an abrupt departure from well established practice" consistently followed by the Commission during the past thirty years. Parties, such as FC2, obviously "relied on the former rule" -- and relied on it heavily -- when they structured their applications, made their substantial investments, and devoted many years of labor and effort to prosecuting their applications under the established comparative standards. The "degree of burden" which retroactive application of new comparative standards would impose on such applicants is very substantial: FC2, a winning applicant under the old standards, could suddenly find itself transmuted into a losing applicant under some sudden, drastically changed new rules never contemplated or advocated by any party during the entire seven-year history of the case.^{6/} Such a result would be flatly unconscionable and unfair. Finally, the "statutory interest" in deciding long-pending cases under new comparative standards, rather than under the comparative standards which the Commission has employed for the past thirty years, is at most negligible, and is

^{6/} Applicants such as FC2 might also be put to the enormous additional burden and expense of prosecuting their applications through years of further unnecessary litigation to prove a new set of qualifications under a new set of comparative standards.

probably nonexistent. Whatever may be said in support of the Bechtel Court's reasoning, it cannot seriously be thought that the policies of the Communications Act will be materially advanced by suddenly applying new decisional standards to the relatively few existing comparative cases that have already been litigated for many years based squarely on the long-accepted prior standards.

Given these considerations, retroactive application of new standards to long-pending cases in which the old standards were never challenged would clearly be unreasonable, unfair and illegal. Such a course "would unduly intrude upon reasonable reliance interests," Heckler v. Community Health, 467 U.S. at 60 n.12, and would "make worthless a substantial past investment incurred in reliance upon the prior rule." Bowen v. Georgetown University Hospital, 488 U.S. at 220 (Scalia, J. concurring).¹⁷

III. For Future Cases where Reasonable Reliance Interests Are Not Implicated, the Commission Should Either Reaffirm Use of the Integration Criterion or Adopt, in Its Place, the Current Enhancement Factors.

In FC2's view, the Bechtel Court overstepped the bounds of its authority to review agency action under the Administrative Procedure Act when it invalidated the Commission's integration

¹⁷ Such a course would also violate Section 1.277(a) of the Commission's rules, 47 C.F.R. § 1.277(a), which provides that "any objection not raised by exception . . . is waived." In cases where no challenge to the integration criterion's validity was made in exceptions to the initial decision, applicants are barred by this Commission rule from mounting an untimely challenge now to the validity of the integration criterion.

criterion as arbitrary and capricious. That the benefits of integration may not with ease be empirically demonstrated does not mean the criterion is arbitrary. The Commission, no less than any person, can know or rationally conclude that a thing is true in the absence of proof by empirical fact. It is not unreasonable to conclude that a person who owns a broadcast station and also works there each workday, full-time, will generally and on average do a materially better job than a person who does not own any stake in the station or a person who owns the station but hires another to run it. It also is not arbitrary to conclude that an owner who lives and works in the local community will generally do more to serve that community than will an owner who lives hundreds or thousands of miles away. And it is similarly not arbitrary to conclude that the integration preference is one small antidote to the problem of "bigness" and its handmaidens, alienation and dehumanization -- a problem Judge Learned Hand (among many others) long ago (and quite rationally) identified as one of the major problems facing our society.^{8/} None of these conclusions is "arbitrary." The Court was wrong to rule otherwise. The Commission was due more deference than it got.

But the Commission did not appeal the Bechtel decision, and thus the issue of its validity may now be moot. The Commission asks in the Second Further Notice (at note 4) for empirical or anecdotal evidence of the benefits of the existing comparative

^{8/} See L. Hand, The Spirit of Liberty 170-71 (1953).

criteria. Attached to these comments is the direct testimony of FC2's controlling principal, Bob Roth, offered as evidence in the 1988 initial hearing in the Fredericksburg case (FC2 Ex. 1 (without attachments)). In his testimony, Mr. Roth explains that his father was a pioneer broadcast owner and operator; that he therefore "grew up" in the broadcast business; and that he went on to own and manage his own local radio and television stations in his hometown of San Antonio, Texas. The testimony also describes some of what Bob Roth accomplished for his community as an "integrated" owner of local radio and television stations.

Mr. Roth's testimony speaks for itself. It is simply one of many of like testimonials that might be marshalled to "prove" the accomplishments of local broadcast owners and operators. It should not, of course, be necessary to "prove" such a thing, anymore than one should need to prove the value of personal responsibility, direct accountability and local community involvement. But if one example of such "proof" can be of use, FC2 offers the example of Bob Roth's life and career in broadcasting. It is the reason FC2 prevailed, under the current comparative standards, in the Fredericksburg case.

If the Commission determines not to continue to apply the integration criterion in those existing comparative cases (if any) where application of a new standard would not unreasonably impinge on the reliance interests of the parties, FC2 believes the Commission should substitute for the integration criterion the

existing enhancement factors, including local residence, civic participation and broadcast experience. The collective weight of these enhancements should be equal to the collective weight of the current integration criterion plus applicable enhancements; and the respective proportionate importance accorded the various enhancements, as between themselves, should remain unchanged from current law. In any pending case where such enhancements have already been the focus of a hearing, no further hearings should be conducted and the proceeding should be decided on the existing record.

The benefits of characteristics such as local residence, civic participation and broadcast experience are, FC2 believes, self-evident. No "proof" of their value should be necessary. But if such "proof" is desired, the attached testimony of Bob Roth could serve here, as well, as of one of many examples that might be offered.

IV. Conclusion

For the foregoing reasons, FC2 requests the Commission to decide the Fredericksburg, Texas proceeding, and all other similarly situated proceedings, in accordance with the comparative standards the Commission has followed for the past thirty years.

Respectfully submitted



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FREDERICKSBURG CHANNEL 2

Dated: July 22, 1994

DECLARATION OF BOB A. ROTH

My name is Bob A. Roth, and I am the sole general partner of Fredericksburg Channel 2. Fredericksburg Channel 2 is a limited partnership organized under the laws of the State of Texas. Attachment 1 to this declaration is a copy of the Limited Partnership Agreement of Fredericksburg Channel 2. As Fredericksburg Channel 2's sole general partner, I exercise 100% control over the actions and affairs of the partnership, in accordance with the attached limited partnership agreement. I also hold 20% of the equity of the partnership. The remaining 80% of the equity of the partnership is held by B.J. "Red" McCombs, who is the sole limited partner of Fredericksburg Channel 2.

If the application of Fredericksburg Channel 2 is granted in this proceeding, I will assume the full-time position of general manager of Fredericksburg Channel 2's station to operate on Channel 2 at Fredericksburg, Texas. I will work at the station in the capacity of general manager a minimum of 40 hours per week. Based on my experience in the field of broadcasting, I also anticipate that I will be spending substantially in excess of 40 hours per week in supervising station affairs during at least the initial period in which the station is becoming established. I intend to devote whatever amount of time above 40 hours per week may be necessary to the affairs of the station in order to make it a successful, commercially viable broadcast station providing service to Fredericksburg, the surrounding

hill country, and the metropolitan areas of Austin and San Antonio, Texas located within the Grade B contour of Fredericksburg Channel 2's proposed station. I intend to work as the full-time general manager of the Fredericksburg Channel 2 station permanently.

As general partner of Fredericksburg Channel 2 and general manager of its station, I will supervise the construction of the station, the hiring of all personnel, the placing of the station on the air, and the ongoing operation of the station. I will also set station policies and will have overall and final responsibility for all aspects of station operations.

If Fredericksburg Channel 2 receives a construction permit for the proposed Channel 2 station, I intend to maintain my present residence in San Antonio and to commute daily to the station's main studio facilities, which will be located within the station's City Grade contour. The commute involved will take approximately 40 to 60 minutes by car each way, and I anticipate no difficulty in making the commute on a daily basis. My car is equipped with a cellular car phone, so I will be able to maintain telephone contact with the station during the commute.

Background and Broadcast Experience

I was born in San Antonio, Texas on July 17, 1922. Except for my period of military service during World War II, I have resided in San Antonio, Texas all of my life. All of

the residences which I have had in San Antonio have been within the Grade B contour of Fredericksburg Channel 2's proposed station. I am a graduate of Texas A&M University, where I majored in Economics and Business in the School of Liberal Arts. I received my degree from the University in June of 1946, after returning from the service.

My first experiences in the field of broadcasting came as a result of the fact that my father, Gene Roth, was a broadcaster. My father built and operated what was one of the first two radio stations to go on the air in San Antonio. That station, then designated KGRC, commenced broadcasting in 1926, before the existence of the Federal Radio Commission. It was a 100 watt station which began operations in a garage. Part of the programming of the station consisted of my mother playing the piano. In approximately 1927, the station obtained a federal license to broadcast. The licensee was a company called Mission Broadcasting, which was then wholly owned by my father.

Station KGRC--which, after a call sign change, became designated as KONO--was upgraded first to 250 watts and, ultimately, in approximately 1948, to 5000 watts. During my childhood and youth I spent a great deal of time at the radio station. I visited the station after school and on weekends, worked in the music library, which was quite extensive, and performed various tasks at my father's request. I basically

grew up in the broadcasting business, learning about it from my father.

After returning from the service in 1946, I began work full-time at KONO as a commissioned time salesman. After approximately 2 years, I became both a salesperson and the commercial manager of the station, which latter position was essentially the equivalent of the position of sales manager. As commercial manager, I directed all of the station's sales activities, determined the rates which would be charged, and supervised all aspects of station operations related to sales.

In approximately 1948 or 1949, my father's company, Mission Broadcasting, obtained a license for an FM station to complement KONO's operations in San Antonio. That station, KITY, was one of the first FM stations in the country to commence operations. When we put KITY on the air, I took on the responsibility of being a salesperson and the commercial manager of that station as well.

In addition to my responsibilities at the radio stations in the field of sales, I participated, along with my father and our staff, in decisions concerning program format, engineering matters, and other aspects of station operations. I was substantially involved in the effort to upgrade KONO to a 5000 watt facility. I also had primary responsibility for representing the stations in local community organizations such as the San Antonio Advertising Club, the San Antonio

Chamber of Commerce, and the San Antonio Executives Association.

In approximately 1950, my younger brother, Jack Roth, joined my father and me in the radio business. In about 1950 or 1951, both Jack and I started to acquire, from our father, stock in Mission Broadcasting. We acquired some of the stock by purchase and some of it by gifts from our father. By 1956, I had acquired approximately 25 to 30% of the stock of the company.

In the early 1950's, with the advent of television, my father and I decided that we should seek a license for a television station in San Antonio. I put together a group of local investors to participate in the application with us. The applicant, Mission Telecasting, was 50% owned by the licensee of KONO and KITV, Mission Broadcasting (which was then wholly owned by my father, myself and my brother Jack) and 50% owned by the group of local investors I had assembled. We applied to the FCC for a license for Channel 12, but the application was caught for a period of time in a freeze which the FCC had imposed. After the freeze, the application went through a comparative hearing with a mutually exclusive applicant, and we were awarded the license at the conclusion of that hearing in 1956.

After we were awarded the license for Channel 12 in San Antonio, I went to work at the television station full-time as President of the licensee and commercial manager of the

station. At this time, my brother Jack took charge of the radio properties, and my father assumed, for reasons of health, a largely passive role in the broadcast properties. As President of the licensee, I was the head man at the station. Jim Brown, who was the station's general manager and had been a long time employee of my father at the radio stations prior to coming to the television station, reported to me. I supervised the construction of the station and the placing of it on the air. In this regard, I oversaw the selection of equipment, all aspects of station construction, the obtaining of an ABC network affiliation for the station, and the design and selection of the station's other programming. As commercial manager of the station, I also supervised all of the activities of the station's sales department. In addition, I made the final decision concerning all major aspects of the programming of the station, including determinations regarding format, film and program purchases, and similar matters. I took complete charge of the station's news department and supervised the station's news director. I was also in charge of the station's editorials and editorial policy and its relations with the public and local civic and community groups.

At my direction, KONO-TV was the first television station in San Antonio to do comprehensive local news coverage by sending reporters out on the street to gather news and by using mobil news gathering. This was simply not

being done by the other stations in town at that time. The other stations essentially followed a "rip and read" news programming approach whereby they would read stories from the AP/UP wire. KONO-TV's comprehensive approach to local news coverage was entirely my idea. I developed the concept, and directed and oversaw its implementation.

Another aspect of KONO-TV's broadcast operations which I implemented was its policy of airing editorials. At my direction, KONO-TV was the first television broadcast station ever to air editorials in the San Antonio market. I personally delivered the editorials on air myself. I also wrote the text of the editorials. Under my direction, KONO-TV took an editorial stand in the community only with respect to issues which were highly controversial and, in my judgment, of significant importance to the community at large. I did not editorialize just for the sake of doing so, but did so when I felt a matter was of sufficient importance that the station's voice should be heard. All of the editorials were, of course, clearly identified as such, and the station provided fair opportunities for opposing viewpoints to be presented. The editorial policy that I adopted at KONO-TV involved a significant amount of risk. At the time, as I have noted, it was unprecedented in San Antonio for a television station to editorialize, and the issues involved were always highly controversial. I directed that the station's editorial policies be adopted, because I

believed that it was part of the station's responsibility to the community to take a stand on controversial issues and to make sure that those issues were aired and brought to the attention of the public.

In addition to KONO-TV's news programming and editorial policies, I also developed and approved overall programming and format strategies at the station. KONO-TV was the first station in the market to do what is now referred to as "strip programming"--using a popular local or syndicated program to lead into the network's evening lineup. The station also programmed a movie feature at 10:30 p.m. in the evenings and used other promotional and program choice strategies successfully to boost the station's popularity. In addition, the station developed, at my direction, an early morning news and talk program which the station locally produced and which became more popular in San Antonio than NBC's competing network "Today" program. I either originated or approved all of these programming and promotional strategies prior to implementation.

In addition to my supervision of the station's sales department and my involvement in its news and other programming practices, I also was involved in virtually every other aspect of the station's operations. At the time, I spoke, in essence, for the negative ownership control held in the station by the Roth family. The other investors in the station treated their investment as essentially a passive one

and were content to let me run the station as I saw fit. I was involved in the hiring and firing of all personnel, for example. The general manger routinely obtained my approval prior to hiring or firing station employees. I was also involved in public service campaigns conducted on the station through public service announcements and other means. For example, at my direction, KONO-TV conducted a telethon to raise money to fight Cerebral Palsy. We cancelled all of the station's commercial time to run the telethon as a public service. The other stations in town had refused to carry the telethon. The telethon was successful. I was also involved in securing certain guests and civic leaders in the community to appear on the station's public affairs programs. From time to time, when I felt it was necessary, I would direct the station's public affairs director to address a given issue that I thought needed to be treated by station programming. I also represented the station with community, governmental, business, civic and religious groups.

In approximately 1965, Mission Broadcasting, the licensee of the radio stations, bought out the 50% interest of the local investors in the licensee of KONO-TV, Mission Telecasting. From that time forward, KONO-TV was wholly owned by Mission Broadcasting, which was at the time 45% owned by myself, 45% owned by my brother Jack, and 10% owned by the company's long time employee and KONO-TV General Manager, Jim Brown.

In 1968, I negotiated the sale of KONO-TV to the Outlet Company. I did this because my wife had become terminally ill, and I wanted to spend as much time with her as I could. Because I could not do that and also devote full time to the affairs of KONO-TV, I decided that it was best for me to sell the station.

In 1977, I was asked to serve on the Board of Trustees of the South West Texas Public Broadcasting Council, which is the licensee of noncommercial stations KLRN-TV, San Antonio, Texas and KLRU-TV, Austin, Texas. I served on the Board between 1977 and 1985, and I served on the Board's Executive Committee between 1980 and 1985. I held the position of Chairman of the Board of Trustees in 1982-1983.

During my tenure on the Board of Trustees, I advised the other members of the Board concerning all technical aspects of broadcast operations. I was the only member of the Board who had significant, hands on experience in operating a television broadcast station. During the period in which I served on the Board, we accomplished an upgrade of San Antonio station KLRN-TV's facilities, which included a move of that station's transmitter to a new site located close to San Antonio which provided substantially better coverage to the San Antonio metropolitan area. To accomplish the upgrade, I participated in selecting and obtaining a new transmitter site for the station. I also served on a special committee which coordinated a drive to raise \$3.5 million to

fund the upgrade in the station's broadcast facilities. The actual upgrade in the station's facilities was accomplished while I served as Chairman of the Board of Trustees in 1982-1983. During the time I served on the Board, I attended its meetings, which were held several times each year to consider major issues and policy changes involving the licensee. During 1980-1985 period when I served on the Council's Executive Committee, I attended meetings of the committee, which were generally held on a monthly basis and were sometimes held more frequently. At those meetings, most policy matters involving the licensee were decided. During my tenure on the Board of Trustees and the Executive Committee, I participated in successful efforts to improve the funding of the Council and its stations, to obtain donations and federal grants for the stations, and to obtain donations of broadcast equipment from commercial stations in the area. I also personally participated in fund raising drives held by the stations by appearing on air, along with other civic leaders of the community, to promote the stations' fund raising activities.

My involvement with and commitment to educational broadcasting began before I was asked to serve in 1977 on the Council's Board of Directors. For example, it was KONO-TV which donated in approximately the mid-1960's the 50,000 watt RCA transmitter which was used by KLRN-TV until we accomplished the upgrade of the station's facilities during

my tenure as Chairman of the Board of Trustees in 1982-1983. I have also made substantial personal contributions to the South West Texas Public Broadcasting Council, and to this day I continue to assist them from time to time in fund raising activities.

Since selling KONO-TV in 1968, I have been involved in various real estate and other investments, some of an active and others of a passive nature. I have for some years maintained and currently maintain a business office in San Antonio, where I employ a secretary and conduct my business affairs under the name Bob Roth Enterprises, which is a sole proprietorship enterprise owned by me. My business interests and holdings at the present time are all of a passive nature and require only a few hours of my time each week.

In the early 1980's, I was involved as a stockholder and proposed full-time integrated general manager in an applicant for a construction permit for a new UHF television station to operate on Channel 29 in San Antonio. The FCC proceeding in question bore BC Docket Nos. 81-647-652. The applicant in question--United Television Broadcasting Corporation--was not granted the construction permit under the standard comparative issue in that proceeding. As addressed later in this declaration, I have also been involved, and am currently involved, in owning and operating a low power television station which transmits on Channel 2 in San Antonio. I have been actively interested for a number of years in getting

back into broadcasting full time as the owner and operator of a full power television station, and I hope to do that as a consequence of Fredericksburg Channel 2's application in this proceeding.

Civic and Community Activities

I have been a member of the Board of Directors of the San Antonio Chamber of Commerce since 1957. From 1957 until the present time, I have attended meetings of the Board on a regular monthly basis. Between 1957 and 1968, I also served as a member of the Executive Committee of the San Antonio Chamber of Commerce. During that period, I attended meetings of the Executive Committee, which occurred approximately two to three times per month, on average. I have held the offices of Treasurer (1963-1964), Secretary (1964-1965), Vice President (1965-1966), and President (1966-1967) of the San Antonio Chamber of Commerce. During the time that I served on the Chamber's Executive Committee, I would estimate that I devoted several hours of my time per week, on average, to the Chamber's activities. During the time that I held offices in the Chamber, I devoted additional time. While I was President of the Chamber of Commerce, for example, I would estimate that I devoted several hours per day, on average, to the Chamber's activities.

Through my affiliation with the San Antonio Chamber of Commerce over the past 30 plus years, I have been involved in a wide variety of civic, political and public interest issues

which have confronted our community. The Chamber often takes positions on projects or proposals which would have a significant effect on the civic, commercial, cultural or public interest concerns of the San Antonio community, and I have been involved in formulating and implementing those positions through my affiliation with the Chamber. For example, while I was President of the Chamber of Commerce, I personally initiated and coordinated the passage of a bill in the Texas State Legislature which made possible a local medical school and a new county hospital, both of which contributed to the establishment of San Antonio's renowned Medical Center. I also participated in the Chamber's successful efforts in support of a statewide revision of the Texas educational system. During my tenure as President, I conceived and executed the plan of constructing a new Chamber building adjacent to the San Antonio Convention Center. I launched the campaign to construct the building, and personally raised most of the \$750,000 needed for the new Chamber structure.

I also served as President of the San Antonio Advertising Club in 1951, as the Tenth District Governor of the Advertising Federation of America in 1957-1958, as the Vice Chairman of the Advertising Federation of America's Counsel of Advertising Clubs in 1958-1959, and as a member of the Advertising Federation of America's National Board of Directors in 1957-1958. The Advertising Federation of

America is a national association representing all aspects of the advertising industry, including all professional elements of the broadcast, print and outdoor advertising media. It is composed of local advertising clubs such as the San Antonio Advertising Club, and its activities include the provision of scholarships to students in the advertising field and the promotion of free enterprise values. My activities in connection with the Advertising Federation of America included a campaign, which I headed during the period in which I served as the Tenth District Governor, to abolish the Texas "carpetbagger" law--a law which prohibited the State of Texas from advertising. The law had originally been passed after the Civil War as a measure intended to discourage an influx of "carpetbaggers" into the State of Texas. It had long since outlived whatever usefulness it may have had, however, and its effect was to prohibit Texas from advertising to attract tourism, to attract new businesses and to promote economic development in the State. The campaign which I directed was successful in achieving passage of an amendment to the Texas State Constitution repealing the "carpetbagger" law. As a consequence, the State of Texas can now advertise to promote tourism and the economic development of the State.

Between 1952 and 1958, I served on the Board of Directors of the San Antonio Chapter of the United Way Campaign. Between 1952 and the present, I have also served